ment of France has had deficits amounting to an aggregate total of twelve billion francs, usually artfully concealed in various ways, and the government had to face a deficit of 200 million francs in the budget for 1910. It is estimated that this law will cost the state at least an additional hundred million francs a year and the estimates are almost certain to be exceeded. The law will cause the piling up of enormous capital in the state treasury and will lead to a multiplication of officials already all too numerous in France. Will the growth of officialdom and official regulations and the assurance to the worker that the bureaucratic state will care for his old age choke out the initiative and individual activity without which no nation can prosper? The conservatives fear the creation of a new social, political, and financial organization—a formidable tool in the hands of the party in power; but the socialists rejoice in it. The outcome is yet to be seen, for the law does not go into effect till after provision is made for it in the budget of 1911.

CLARENCE PERKINS.

Primary Elections—Illinois. The experience of Illinois in her effort to secure a constitutional direct primary law has been one of exceptional political travail. Three General Assemblies, in two regular and two special sessions, have wrestled with this problem, and enacted four successive primary election laws in a period of five years. Three of these acts, passed in 1905, 1906 and 1908, respectively, were each in turn held unconstitutional by the state Supreme Court.[1] The Governor then officially requested the members of the Supreme Court to aid the General Assembly by redrafting the primary law of 1908, "so as to elminate there from all unconstitutional features." But they firmly declined the task as being outside the judicial sphere. However, the opinions in the three cases decided really afforded a very fair outline on which to base a constitutional statute. Thus with negative, if not with positive, judicial guidance, the fourth law was enacted in March, 1910, to become effective the first of July following.

This last and present primary law is, in all its main features, merely a replica of that of 1908.[2] The single trial of the latter was not sufficient warrant for grave changes, and the constitutional flaws were in the technical details rather than the broad general principles of the law. The easily alterable provision for placing the names of candidates on the ballot

[1] Am. Pol. Sci. Rev., II, 271-72; III, 561-62.

[2] *Ibid*, II, 417-21.

in the order of the filing of nomination petitions is retained, notwithstanding the disgraceful scramble for first place that it inevitably causes. As a result of the first experience in voting upon candidates for United States senator the proviso "that the vote upon candidates for United States senator shall be had for the sole purpose of ascertaining the sentiment of the voters of the respective parties" has been amended by adding "in the *State as a whole* and *not* by senatorial districts."

To meet the constitutional objections of the Supreme Court the law was modified in two respects: first, the provisions for the registration of voters; second, those for the nomination of candidates for representative in the General Assembly. These were two of the points as to which the law of 1906 had been held invalid, and the requirements of the Constitution laid down by the court, but practically in vain. The court holds that a primary election is an "election" within the meaning of the state constitution, and hence must conform to all the constitutional guarantees safe-guarding regular elections. "A person possessing the other constitutional qualifications is only required to reside in the election district thirty days next preceding the election to entitle him to vote at said election, and if registration is a condition precedent to the right to vote, the law must afford him an opportunity to register within the period of thirty days before the election." Otherwise, the effect is "to add to the constitutional qualifications of voters and it is therefore invalid." The law of 1906 made no provision for registration within thirty days of an election, and the law of 1908, in seeking to remedy the defect made such provision *only* for those moving into the precinct since the last registration day, and *not* for those becoming voters by naturalization, attainment of majority, etc. Now at last the provision in the present law has been broadened so as to give *any* and *all* otherwise legal voters a chance to register within thirty days of the primary election and the constitutional molehill doubtless surmounted.

The second modification has to do with what is now recognized as the most serious problem in drafting a valid direct primary law for this state. The Constitution of Illinois is peculiar in its provision for minority representation in the lower house of the General Assembly by means of the cumulative vote. The state is divided into senatorial districts, each of which elects one senator and three representatives. Every elector is given three votes for representative which he may cast singly for three candidates, or cumulate, or "plump," on only one or equally between two. Under the ruling of the Supreme Court any primary election law infringing this right of the elector to cast three votes for one,

two, or three candidates for nomination for representative is invalid. By the law of 1906 each party was to nominate only one candidate in each district. Each elector was to have only one vote. Other nominations for representative, if any, were to be made by the senatorial district conventions. The law of 1908 provided that the senatorial district committees of each party should by resolution fix the number of candidates for representative to be nominated by their party, and file a copy of each resolution with the secretary of state and the clerk of every county in each district. But the elector was restricted to only one vote for each of as many candidates as his party was to nominate, despite his constitutional right, upheld by the Supreme Court, to cast three votes for one, two or three candidates at his option. The present law retains word for word the provision that the party committees are to fix the number of candidates each party is to nominate. But the first genuine attempt to conform to the Constitution is made by providing that, "In all primaries for the nomination of candidates for representative in the General Assembly each qualified primary elector may cast three votes for one candidate, or may distribute the same or equal parts thereof among two or three candidates, as he shall see fit."

Finally, lest even this solution of the problem might fail to run the gauntlet of the courts, and so endanger the validity of the entire primary election law, the parts dealing with the nomination of candidates for representative in the legislature were taken out of the main statute and embodied in a separate act to stand or fall by itself. One possible flaw in this "little" primary act is the provision that the party committees are to fix the number of candidates to be nominated by each party. But if called in question it will probably be upheld; for the Supreme Court made a very similar suggestion in one of its opinions,[3] and in the last one declared that "if each party were required to nominate three candidates it would render nugatory the constitutional provision for minority representation."[4]

L. E. AYLSWORTH.

Probation and Juvenile Court Legislation. Twenty-five states in this country passed laws on probation and juvenile courts during 1909, such action being taken for the first time in Nevada, North Dakota, Oklahoma and South Dakota. Three states, Nevada, Oklahoma and South Dakota,

[3] Rouse vs. Thompson, 228 Ill. 522.
[4] People vs. Strossheim, 240 Ill. 297.